

REMARKS

Claim Rejections – 35 U.S.C. §102(b)

In the Office Action mailed September 26, 2005, the Examining Attorney stated
“Claims 1, 5, 6, 14, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickinson et al.

Dickinson et al teach (Figure 1) a dual-opening sample container, including: body 2 with open ends; first and second sealing stoppers 13, 14; first elastic member 15 that urges the seals to removably close the ends. The elastic member is both inside and outside the container. Compression of the stoppers into the container necessarily result in an increase of fluid pressure.”

In the Response to that Office Action filed January 19, 2006, Claim 1 was amended to add the following two elements, thereby distinguishing this claim over *Dickinson et al.*:

first and second activating protrusions, each of said activating protrusions
 extending outwardly from outer ends of said first and second end seals and
 being sized, shaped, and disposed to removably engage means for holding
 open said end seals; and

first and second removable securing caps, said securing caps permitting passage
 of said activating protrusions through said securing caps and being sized
 and shaped to retain said first and second end seals in sealable connection
 with said first and second open ends of said sample container.

Claims 2 and 7 were cancelled and their elements, shown above, incorporated into Claim 1. *Dickinson et al.* does not disclose first and second activating protrusions and further, does not disclose first and second removable securing caps permitting passage of the activating protrusions through the securing caps. As such, *Dickinson et al.* cannot anticipate amended Claim 1 and thus Claim 1 should now be allowable as amended.

However, based upon this amendment, Claim 10, as amended below, has become inoperative as, if the securing caps permit passage of said activating protrusions through said securing caps, the caps cannot include a septa, as described in amended Claim 10, as the septa would prevent passage of the activating protrusions. For this reason, Claim 10 has again been amended as shown here

10. (previously presented) The dual-opening sample container, as described in Claim 1, wherein at least one of said first and second securing caps further comprises a septa permitting introduction of a syringe needle and subsequent resealing of said securing cap.
10. (currently amended) The dual-opening sample container, as described in Claim 1, further comprising additional ~~wherein at least one of said~~ first and second securing caps, at least one of said additional caps further comprises comprising a septa, said septa permitting introduction of a syringe needle and subsequent resealing of said securing cap.

This amendment, adding a second set of securing caps with septa, permits Claim 10 to be operative.

Upon further reflection, Applicant considers that, while the above amendment to Claim 1 should make it allowable, the additional limitation of “first and second removable securing caps, said securing caps permitting passage of said activating protrusions through said securing caps,” is too restrictive and permits an easy work-around. For this reason, Applicant has added new independent Claim 83, adding the following limitation:

at least one of said first and second end seals have a membrane central portion,
said central portion permitting introduction of a syringe needle through
said end seals;

Applicant believes that this combination should be allowable. Applicant has also added new dependent Claim 84, introducing the septa cap in combination with the seals having a central membrane portion.

Applicant has also added new independent Claim 85, adding the "membrane central portion" to at least one of the seals of the combined support platform and dual-opening sample container. Applicant has also added new dependent Claim 86, introducing the septa cap in combination with the seals having a central membrane portion to the combined support platform and dual-opening sample container.

Applicant added new Claims 83-86 to more distinctly claim and particularly point out the subject matter that he considers the invention. No new matter has been added.

Based upon the previously submitted Response of January 19, 2006 and the present Supplemental Response, Applicant urges that the application is now in condition for allowance. Enclosed please find a credit card authorization in the amount of \$300 as additional fee required for new Claims 83-86.

Respectfully submitted,

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